

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

TRUSTEES OF THE SHEET METAL
WORKERS LOCAL UNION NO. 20
WELFARE AND BENEFIT FUND
et al.,

Plaintiffs,

-vs-

ROGERS MECHANICAL, INC.

Defendant.

No. 1:20-cv-01188-SEB-MJD

Judge Sarah E. Barker
Magistrate Judge Mark J. Dinsmore

DECLARATION OF THOMAS R. KENDALL

Pursuant to 28 U.S.C. § 1746, I, Thomas R. Kendall, declare as follows:

1. I am an attorney with the law firm Ledbetter Parisi, LLC (“Ledbetter”). In this capacity I serve as lead counsel for Plaintiffs and based upon this experience, I have personal knowledge of the facts stated herein.
2. I gained admission to the Indiana bar in 2007. Since that time, I have litigated a wide variety of civil suits in state and federal courts in Indiana, including collections, creditor’s rights, insurance subrogation, and ERISA matters.
3. I have reviewed Ledbetter’s billing and time records as they relate to the hours expended in this matter attempting to collect the unpaid and delinquent contributions, liquidated damages and the audit findings Defendant owes to Plaintiffs. Ledbetter performed legal services which resulted in billings totaling at least \$19,918.00. A detailed summary of these billings is attached hereto as Exhibit 1.

4. Ledbetter expended at least 95.5 hours preparing and prosecuting the matter herein between January 15, 2020 and May 17, 2021.

5. Ledbetter charges Plaintiffs a reasonable hourly rate of \$220.00 for work performed by associate attorneys, and \$115.00 for work performed by paralegals. In my opinion, these rates are reasonable for work of this type in the Indiana market.

6. Ledbetter's efforts include the time spent investigating Plaintiffs' claims, corresponding with Defendant's counsel, drafting and filing pleadings, conducting discovery, overseeing an audit of Defendant's records, preparing for and attending a settlement conference, conducting negotiations, and briefing Plaintiffs' dispositive motion.

7. In my opinion, the hours expended, the hourly rates, and the total billing in this matter is reasonable.

8. Pursuant to ERISA § 502(g)(2)(D), 29 U.S.C. § 1132(g)(2)(D), Plaintiffs are entitled to reasonable attorneys' fees as this is an action to enforce ERISA § 515; 29 U.S.C. § 1145 for delinquent contributions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 25, 2021.

/s Thomas R. Kendall
Thomas R. Kendall

Exhibit 1

Date	Hours	Description	Rate (\$)	Billable (\$)	User
1/15/2020	1.3	(Rogers Mechanical) Reviewed referral and drafted custom audit demand letter to employer, with enclosures.	\$ 220.00	\$ 286.00	Thomas Kendall
1/29/2020	0.4	(Rogers Mechanical) Reviewed auditor's email re: employer's response to audit demands; email to employer's counsel.	\$ 220.00	\$ 88.00	Thomas Kendall
2/4/2020	3.6	(Rogers Mechanical) Review and consideration of audit denial letter from employer's counsel; relevant case law research and drafting of reply. Update to Trustees' in meeting notes; review audit issues, basis for noncompliance of e	\$ 220.00	\$ 792.00	Thomas Kendall
3/23/2020	0.2	(Rogers Mechanical) Revisions to final audit demand letter to employer's counsel.	\$ 220.00	\$ 44.00	Thomas Kendall
3/24/2020	3.6	(Rogers Mechanical) Drafting of Complaint and assembly of exhibits. (work performed 3/24 and 3/27)	\$ 220.00	\$ 792.00	Thomas Kendall
3/25/2020	1.4	(Rogers Mechanical) Reviewed, revised and identified citations, exhibits and documents to prepare Complaint for filing. (3/25-3/26)	\$ 115.00	\$ 161.00	Erik Gainer
4/13/2020	0.8	(Rogers Mechanical) Final revisions to Complaint; directions for filing; email exchange with opposing counsel re: waiver of service.	\$ 220.00	\$ 176.00	Thomas Kendall
4/16/2020	0.8	(Rogers Mechanical) Reviewed, revised and prepared Complaint with exhibits for filing; reviewed local rules; teleconference with clerk for rule clarification; prepared civil covers sheet.	\$ 115.00	\$ 92.00	Erik Gainer
4/17/2020	0.2	(Rogers Mechanical) Drafted and prepared Waiver of Service of Summons.	\$ 115.00	\$ 23.00	Erik Gainer
4/22/2020	0.4	(Rogers Mechanical) Prepared and finalized document's for service to defendants counsel; correspondence with TRK re: service clarification.	\$ 115.00	\$ 46.00	Erik Gainer
5/6/2020	0.2	(Rogers Mechanical) Reviewed correspondence and document for service received from defense counsel; correspondence with TRK re: service clarification; prepared Waiver of Service for filing; updated electronic docket.	\$ 115.00	\$ 23.00	Erik Gainer
5/6/2020	0.1	(Rogers Mechanical) Attention to service of process.	\$ 220.00	\$ 22.00	Thomas Kendall
5/7/2020	0.4	(Rogers Mechanical) Reviewed email from Employer's counsel; phone conference with local union's labor counsel; prepared summary of matter for strategy discussion with PES.	\$ 220.00	\$ 88.00	Thomas Kendall
5/8/2020	0.2	(Rogers Mechanical) Conferred with PES on litigation and negotiation strategy; prepared detailed email reply to opposing counsel.	\$ 220.00	\$ 44.00	Thomas Kendall
5/18/2020	0.4	(Rogers Mechanical) Email exchange with opposing counsel and auditor re: procedures and documents required; reviewed provided procedures; email to opposing counsel.	\$ 220.00	\$ 88.00	Thomas Kendall
5/26/2020	0.2	(Rogers Mechanical) Email exchange with opposing counsel re: audit compliance.	\$ 220.00	\$ 44.00	Thomas Kendall
5/28/2020	0.2	(Rogers Mechanical) Reviewed auditor's draft confirmation letter, suggested revisions.	\$ 220.00	\$ 44.00	Thomas Kendall
6/22/2020	0.2	(Rogers Mechanical) Reviewed filings received; updated electronic docket; calendared upcoming events and tasks.	\$ 115.00	\$ 23.00	Erik Gainer
6/22/2020	0.2	(Rogers Mechanical) Summary review of employer's Answer to Complaint.	\$ 220.00	\$ 44.00	Thomas Kendall
6/25/2020	0.2	(Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming deadlines and events.	\$ 115.00	\$ 23.00	Erik Gainer
7/2/2020	1	(Rogers Mechanical) Conferred with PES and drafted Case Management Plan.	\$ 220.00	\$ 220.00	Thomas Kendall
7/3/2020	0.8	(Rogers Mechanical) Phone conference with opposing counsel and further drafting of Case Management Plan.	\$ 220.00	\$ 176.00	Thomas Kendall
7/6/2020	0.2	(Rogers Mechanical) Email exchange with opposing counsel re: magistrate judge.	\$ 220.00	\$ 44.00	Thomas Kendall
7/7/2020	0.2	(Rogers Mechanical) Reviewed and prepared Proposed Case Management Order for filing; reviewed local rules.	\$ 115.00	\$ 23.00	Erik Gainer
7/7/2020	0.5	(Rogers Mechanical) Reviewed opposing counsel's proposed redline revisions to Case Management Plan; email exchange re: same.	\$ 220.00	\$ 110.00	Thomas Kendall
7/8/2020	0.2	(Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming events.	\$ 115.00	\$ 23.00	Erik Gainer
7/9/2020	0.3	(Rogers Mechanical) Participated in Court scheduling conference.	\$ 220.00	\$ 66.00	Thomas Kendall
7/10/2020	0.7	(Rogers Mechanical) Drafted Plaintiff's first set of requests for production.	\$ 220.00	\$ 154.00	Thomas Kendall
7/14/2020	0.7	(Rogers Mechanical) Final revisions and service of discovery requests; including detailed explication of basis for requests.	\$ 220.00	\$ 154.00	Thomas Kendall
7/15/2020	0.5	(Rogers Mechanical) Drafted Plaintiff's Initial Disclosures.	\$ 220.00	\$ 110.00	Thomas Kendall
7/17/2020	0.2	(Rogers Mechanical) Reviewed filing received; updated electronic docket.	\$ 115.00	\$ 23.00	Erik Gainer
7/21/2020	0.3	(Rogers Mech.) Confer with PES on Initial Disclosures.	\$ 220.00	\$ 66.00	Thomas Kendall
7/22/2020	1	(Rogers Mechanical) Served Plaintiffs' Initial Disclosures on opposing counsel; drafted Preliminary Witness and Exhibit List.	\$ 220.00	\$ 220.00	Thomas Kendall
7/24/2020	0.1	(Rogers Mech.) Reviewed Defendant's Initial Disclosures.	\$ 220.00	\$ 22.00	Thomas Kendall
7/28/2020	0.2	(Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming events.	\$ 115.00	\$ 23.00	Erik Gainer
7/28/2020	0.1	(Rogers Mechanical) Reviewed the Case Management Plan as entered by the Court.	\$ 220.00	\$ 22.00	Thomas Kendall
7/30/2020	0.4	(Rogers Mechanical) Drafted settlement demand email to opposing counsel.	\$ 220.00	\$ 88.00	Thomas Kendall
7/31/2020	0.2	(Rogers Mechanical) Email exchange with opposing counsel re: audit compliance.	\$ 220.00	\$ 44.00	Thomas Kendall
8/6/2020	0.1	(Rogers Mechanical) Attention to scheduling of the settlement conference.	\$ 220.00	\$ 22.00	Thomas Kendall
8/6/2020	0.1	(Rogers Mechanical) Email to auditor re: production of documents by employer.	\$ 220.00	\$ 22.00	Thomas Kendall
8/11/2020	0.1	(Rogers Mechanical) Attention to court's order scheduling Status Conference.	\$ 220.00	\$ 22.00	Thomas Kendall
8/11/2020	0.1	(Rogers Mechanical) Email exchange with auditor re: employer's document production.	\$ 220.00	\$ 22.00	Thomas Kendall
8/24/2020	0.1	(Rogers Mechanical) Email exchange with employer's attorney re: production of documents.	\$ 220.00	\$ 22.00	Thomas Kendall
8/28/2020	0.1	(Rogers Mechanical) Attendance during court phone conference.	\$ 220.00	\$ 22.00	Thomas Kendall
9/1/2020	0.3	(Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming events.	\$ 115.00	\$ 34.50	Erik Gainer
9/3/2020	0.1	(Rogers Mechanical) Email exchange with auditor re: scope of work to include in audit.	\$ 220.00	\$ 22.00	Thomas Kendall
9/4/2020	0.1	(Rogers) Reviewed filing received; updated electronic docket.	\$ 115.00	\$ 11.50	Erik Gainer
9/15/2020	0.2	(Rogers Mechanical) Phone call with Trustee Scott Parks to discuss status of case.	\$ 220.00	\$ 44.00	Thomas Kendall
9/18/2020	0.3	(Rogers Mechanical) Email to Trustees Chuck Graves and Jeff Hamilton with information about the Nov. 6th settlement conference.	\$ 220.00	\$ 66.00	Thomas Kendall
9/22/2020	0.3	(Rogers Mechanical) Reviewed documents provided by Union regarding subcontracting and non-member work on the jobsite.	\$ 220.00	\$ 66.00	Thomas Kendall
9/25/2020	0.1	(Rogers Mechanical) Follow up email to auditor for status.	\$ 220.00	\$ 22.00	Thomas Kendall
10/5/2020	0.1	(Rogers Mechanical) Phone call with auditor Ellen Odell re: audit assumptions.	\$ 220.00	\$ 22.00	Thomas Kendall
10/6/2020	0.9	(Rogers Mechanical) Initial review of audit report and supporting documents; confer with PES.	\$ 220.00	\$ 198.00	Thomas Kendall
10/7/2020	0.5	(Rogers Mechanical) Final review of draft audit report and email to opposing counsel; phone call with Auditor, Ellen Odell.	\$ 220.00	\$ 110.00	Thomas Kendall
10/21/2020	0.3	(Rogers Mechanical) Reviewed employer's letter rebutting audit findings.	\$ 220.00	\$ 66.00	Thomas Kendall
10/22/2020	0.6	(Rogers Mechanical) Further review of employer's audit rebuttal; email to Trustee subcommittee.	\$ 220.00	\$ 132.00	Thomas Kendall
10/26/2020	1.2	(Rogers Mechanical) Phone conference with trustee Jeff Hamilton in preparation for the settlement conference; phone call with employer's counsel, JT Funk.	\$ 220.00	\$ 264.00	Thomas Kendall
10/28/2020	0.3	(Rogers Mechanical) Reviewed filings received; updated electronic docket; calendared upcoming events.	\$ 115.00	\$ 34.50	Erik Gainer
10/28/2020	1	(Rogers Mechanical) Conference call with Trustees in preparation for settlement conference.	\$ 220.00	\$ 220.00	Thomas Kendall
10/30/2020	0.3	(Rogers Mechanical) Reviewed additional documents provided by employer's counsel re: end date of Ford Assembly job.	\$ 220.00	\$ 66.00	Thomas Kendall

11/2/2020	3.7 (Rogers Mechanical) Prepared confidential statement to judge for settlement conference, including relevant case law research. Email exchange with Auditor re: work after April 1 2020 and review of documents provided.	\$ 220.00	\$ 814.00	Thomas Kendall
11/2/2020	0.5 (Rogers Mechanical) Email exchanges with employer's counsel and auditor re: handwritten notations on payroll summaries.	\$ 220.00	\$ 110.00	Thomas Kendall
11/3/2020	0.4 (Rogers Mechanical) Phone call with H. Compton re: discussing of audit findings; confer with PES; emailed confidential settlement statement to Judge Lynch.	\$ 220.00	\$ 88.00	Thomas Kendall
11/5/2020	2.3 (Rogers Mechanical) Preparation for settlement conference, including detailed review of employer's contentions, CBA language, Audit report and supporting documentation. Email to Trustee representatives with mediation details.	\$ 220.00	\$ 506.00	Thomas Kendall
11/6/2020	3.6 (Rogers Mechanical) Participated in judicial settlement conference.	\$ 220.00	\$ 792.00	Thomas Kendall
11/9/2020	0.4 (Rogers Mechanical) Confer with PES in advance of status conference as to discovery and strategy going forward.	\$ 220.00	\$ 88.00	Thomas Kendall
11/10/2020	0.2 (Rogers) Reviewed filing received; updated electronic docket.	\$ 115.00	\$ 23.00	Erik Gainer
11/11/2020	0.3 (Rogers Mechanical) Reviewed financial condition documents provided by employer's counsel.	\$ 220.00	\$ 66.00	Thomas Kendall
11/12/2020	0.6 (Rogers Mechanical) Phone call with H. Compton re: status of negotiations and audit assumptions; Rogers continued work on project. Confer with PES; emails to Auditor and Trustees Graves and Hamilton.	\$ 220.00	\$ 132.00	Thomas Kendall
11/13/2020	0.9 (Rogers Mechanical) Prepared detailed email message to opposing counsel re: negotiations and audit assumptions; participated in court phone conference.	\$ 220.00	\$ 198.00	Thomas Kendall
11/16/2020	0.6 (Rogers Mechanical) Drafted second set of discovery requests.	\$ 220.00	\$ 132.00	Thomas Kendall
11/17/2020	0.1 (Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming deadlines.	\$ 115.00	\$ 11.50	Erik Gainer
11/20/2020	0.4 (Rogers Mechanical) Phone conference with employer's counsel re: settlement negotiations.	\$ 220.00	\$ 88.00	Thomas Kendall
11/23/2020	0.1 (Rogers Mechanical) Email to Ken Anderson, delinquency manager for SMW National Pension.	\$ 220.00	\$ 22.00	Thomas Kendall
11/23/2020	0.8 (Rogers Mech.) Phone conference with attorney and delinquency manager for National Pension fund re: strategy and negotiation.	\$ 220.00	\$ 176.00	Thomas Kendall
12/9/2020	0.1 (Rogers Mechanical) Email exchange with employer's counsel re: phone conference with bankruptcy lawyer.	\$ 220.00	\$ 22.00	Thomas Kendall
12/10/2020	1.5 (Rogers Mechanical) Video conference with employer's counsel and bankruptcy counsel; discussed threat of bankruptcy and considerations for settlement; phone call with union counsel Neil Gath; confer with PES.	\$ 220.00	\$ 330.00	Thomas Kendall
12/14/2020	0.2 (Rogers Mechanical) Reviewed letter from employer's counsel accompanying settlement offer.	\$ 220.00	\$ 44.00	Thomas Kendall
12/15/2020	1.2 (Rogers Mechanical) Further review of employer's letter, calculation regarding settlement; confer with PES; phone call with Union counsel and preparation of update for Trustees' meeting.	\$ 220.00	\$ 264.00	Thomas Kendall
12/16/2020	0.3 (Rogers Mechanical) Phone call with N. Gath, union counsel, discussing his conversation with employer's counsel as to settlement offer.	\$ 220.00	\$ 66.00	Thomas Kendall
12/17/2020	1.4 (Rogers Mechanical) Researched recent updates to bankruptcy code re: small business Chapter 11; drafted email to Trustees Graves and Hamilton re: recent settlement offer.	\$ 220.00	\$ 308.00	Thomas Kendall
12/21/2020	0.1 (Rogers Mechanical) Reviewed letter of support provided by employer's counsel.	\$ 220.00	\$ 22.00	Thomas Kendall
12/22/2020	0.7 (Rogers Mechanical) Reviewed second recommendation letter furnished by employer's counsel; confer with PES; phone call with employer's counsel JT Funk.	\$ 220.00	\$ 154.00	Thomas Kendall
12/23/2020	0.1 (Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming deadlines.	\$ 115.00	\$ 11.50	Erik Gainer
12/28/2020	0.3 (Rogers Mechanical) Phone conference with Judge Dinsmore.	\$ 220.00	\$ 66.00	Thomas Kendall
12/29/2020	0.6 (Rogers Mechanical) Reviewed filing received; updated electronic docket; calendared upcoming events.	\$ 115.00	\$ 69.00	Erik Gainer
1/4/2021	0.1 (Rogers Mechanical) Review filing received; update electronic docket; calendar upcoming deadlines.	\$ 115.00	\$ 11.50	Erik Gainer
1/13/2021	0.1 (Rogers Mechanical) Review filing received; update electronic docket.	\$ 115.00	\$ 11.50	Erik Gainer
1/13/2021	0.1 (Rogers Mechanical) Attention to email exchange between employer's counsel and counsel for national pension fund.	\$ 220.00	\$ 22.00	Thomas Kendall
1/15/2021	0.4 (Rogers Mechanical) Analysis of file materials for summary judgment; detailed direction to CWE to prepare first draft.	\$ 220.00	\$ 88.00	Thomas Kendall
1/18/2021	1.3 (Rogers Mechanical) Preparing motion for summary judgment.	\$ 220.00	\$ 286.00	Chad Eisenback
1/19/2021	0.8 (Rogers Mechanical) Phone conference with employer's counsel Charles Daugherty, discussing settlement negotiations.	\$ 220.00	\$ 176.00	Thomas Kendall
1/27/2021	0.2 (Rogers Mechanical) Attention to status of matter and follow up email to employer's counsel for discovery responses.	\$ 220.00	\$ 44.00	Thomas Kendall
1/29/2021	0.2 (Rogers Mechanical) Review filing received; update electronic docket.	\$ 115.00	\$ 23.00	Erik Gainer
2/2/2021	0.1 (Rogers Mechanical) Follow up email to opposing counsel for discovery responses.	\$ 220.00	\$ 22.00	Thomas Kendall
2/3/2021	5.3 (Rogers Mechanical) Prepared motion for summary judgment.	\$ 220.00	\$ 1,166.00	Chad Eisenback
2/3/2021	0.4 (Rogers Mechanical) Conferred with CWE on drafting of the Motion for Summary Judgment; email to administrator requesting audit billing letter.	\$ 220.00	\$ 88.00	Thomas Kendall
2/5/2021	0.1 (Rogers Mechanical) Email exchange with employer's counsel re: overdue discovery production.	\$ 220.00	\$ 22.00	Thomas Kendall
2/5/2021	0.1 (Rogers Mechanical) Reviewed administrator's LDI calculation, direction to CWE for inclusion in summary judgment filing.	\$ 220.00	\$ 22.00	Thomas Kendall
2/9/2021	0.1 (Rogers Mechanical) Conferred with CWE as to preparation of request for attorney's fees.	\$ 220.00	\$ 22.00	Thomas Kendall
2/10/2021	0.1 (Rogers Mechanical) Attention to voicemail from employer's counsel re: discovery and settlement negotiations.	\$ 220.00	\$ 22.00	Thomas Kendall
2/10/2021	1.5 (Rogers Mechanical) Drafting of Plaintiffs Statement of Claims.	\$ 220.00	\$ 330.00	Thomas Kendall
2/11/2021	0.2 (Rogers Mechanical) Review and prepare Statement of Claims for filing; update electronic docket.	\$ 115.00	\$ 23.00	Erik Gainer
2/11/2021	0.4 (Rogers Mechanical) Researched employer's trade jurisdiction assertions regarding refrigerant piping.	\$ 220.00	\$ 88.00	Thomas Kendall
2/11/2021	0.3 (Rogers Mechanical) Final revisions to Statement of Claims and direction for filing; email to employer's counsel re: final extension to produce discovery documents.	\$ 220.00	\$ 66.00	Thomas Kendall
2/12/2021	0.4 (Rogers Mechanical) Phone call with employer's counsel re: discovery and settlement.	\$ 220.00	\$ 88.00	Thomas Kendall
2/15/2021	0.1 (Rogers Mechanical) Email exchange with employer's counsel re: discovery due.	\$ 220.00	\$ 22.00	Thomas Kendall
2/15/2021	1.5 (Rogers Mechanical) Review/revision to draft Motion for Summary Judgment.	\$ 220.00	\$ 330.00	Thomas Kendall
2/16/2021	3.1 (Rogers Mechanical) Review/revision to Motion for Summary Judgment; email exchange with employer counsel re: discovery production and settlement; email exchange with union counsel.	\$ 220.00	\$ 682.00	Thomas Kendall
2/17/2021	0.6 (Rogers Mechanical) Phone conference with Union counsel re: response to settlement proposal.	\$ 220.00	\$ 132.00	Thomas Kendall
2/17/2021	1.1 (Rogers Mechanical) Final review/drafting of Motion for Summary Judgment.	\$ 220.00	\$ 242.00	Thomas Kendall
2/19/2021	0.1 (Rogers Mechanical) Email to employer's counsel re: discovery production.	\$ 220.00	\$ 22.00	Thomas Kendall
2/23/2021	0.2 (Rogers Mechanical) Reviewed contract produced in discovery by employer's counsel.	\$ 220.00	\$ 44.00	Thomas Kendall
2/24/2021	0.7 (Rogers Mechanical) Further drafting of Motion for Summary Judgment and Declaration of Auditor.	\$ 220.00	\$ 154.00	Thomas Kendall
2/25/2021	0.2 (Rogers Mechanical) Further revisions to Motion for Summary Judgment.	\$ 220.00	\$ 44.00	Thomas Kendall
2/25/2021	0.4 (Rogers Mechanical) Revisions to Declaration of Auditor; emailed same for signature.	\$ 220.00	\$ 88.00	Thomas Kendall
2/26/2021	0.3 (Rogers Mechanical) Assist with preparation of exhibits for attorney TRK.	\$ 115.00	\$ 34.50	Erik Gainer
3/1/2021	0.4 (Rogers Mechanical) Final review/revisions to Declaration of Adminstrator, emailed same to H.C. for review and signature. Additional revisions to Memorandum in Support.	\$ 220.00	\$ 88.00	Thomas Kendall
3/2/2021	0.8 (Rogers Mechanical) Final revisions to Motion for Summary Judgment and Memo in Support.	\$ 220.00	\$ 176.00	Thomas Kendall
3/5/2021	0.8 (Rogers Mechanical) Assist with preparation of documents and exhibits associated with Motion for Summary Judgment; review and prepare Motion for Summary Judgment for filing; review of local rules to verify procedures; updat	\$ 115.00	\$ 92.00	Erik Gainer
3/5/2021	0.4 (Rogers Mechanical) Final review of Motion for Summary Judgment package prior to filing.	\$ 220.00	\$ 88.00	Thomas Kendall

3/11/2021	0.4 (Rogers Mechanical) Drafted disclosure of expert witness testimony; served same by email on employer's counsel.	\$ 220.00	\$ 88.00	Thomas Kendall
3/22/2021	0.4 (Rogers Mechanical) Phone call with Union counsel re: status; email to employer's counsel re: Trustees' decision on offer.	\$ 220.00	\$ 88.00	Thomas Kendall
3/25/2021	0.2 (Rogers Mechanical) Phone call with employer's counsel, C. Daugherty, re: negotiations.	\$ 220.00	\$ 44.00	Thomas Kendall
3/26/2021	0.1 (Rogers Mechanical) Phone call with employer's counsel re: improved settlement offer.	\$ 220.00	\$ 22.00	Thomas Kendall
4/1/2021	0.6 (Rogers Mechanical) Phone call with employer's counsel re: new settlement offer and MSJ briefing; confer with PES; status update email to counsel for National Funds and Union.	\$ 220.00	\$ 132.00	Thomas Kendall
4/5/2021	0.2 (Rogers Mechanical) Review filing received; update electronic docket.	\$ 115.00	\$ 23.00	Erik Gainer
4/5/2021	0.9 (Rogers Mechanical) Reviewed employer's Response to Summary Judgment.	\$ 220.00	\$ 198.00	Thomas Kendall
4/6/2021	0.1 (Rogers Mechanical) Review filing received; update electronic docket.	\$ 115.00	\$ 11.50	Erik Gainer
4/6/2021	0.3 (Rogers Mechanical) Reviewed affidavit and exhibits designated by Rogers in opposition to MSJ.	\$ 220.00	\$ 66.00	Thomas Kendall
4/9/2021	0.5 (Rogers Mechanical) Case law research re: use of extrinsic evidence to interpret CBA.	\$ 220.00	\$ 110.00	Thomas Kendall
4/12/2021	0.4 (Rogers Mechanical) Review and prepare Final Witness and Exhibit List for filing; update electronic docket; teleconference with clerk to verify procedures; review filing received.	\$ 115.00	\$ 46.00	Erik Gainer
4/12/2021	0.8 (Rogers Mechanical) Drafted Final Witness and Exhibit List.	\$ 220.00	\$ 176.00	Thomas Kendall
4/13/2021	0.2 (Rogers Mechanical) Reviewed Defendant's witness and exhibit list; discussed key case law with PES.	\$ 220.00	\$ 44.00	Thomas Kendall
4/14/2021	3.7 (Rogers Mechanical) Drafting of Reply in Support of Summary Judgment.	\$ 220.00	\$ 814.00	Thomas Kendall
4/21/2021	0.3 (Rogers Mechanical) Assist with research and preparation of Reply brief.	\$ 115.00	\$ 34.50	Erik Gainer
4/21/2021	2 (Rogers Mechanical) Further drafting of Reply brief and related legal research.	\$ 220.00	\$ 440.00	Thomas Kendall
4/26/2021	1.4 (Rogers Mechanical) Further drafting of Reply in Support of Motion for Summary Judgment.	\$ 220.00	\$ 308.00	Thomas Kendall
4/27/2021	1.7 (Rogers Mechanical) Further drafting of Motion for Summary Judgment.	\$ 220.00	\$ 374.00	Thomas Kendall
4/29/2021	0.5 (Rogers Mechanical) Review and revise reply in support of summary judgment for filing; review local rules to verify procedures; update electronic docket.	\$ 115.00	\$ 57.50	Erik Gainer
4/29/2021	1.4 (Rogers Mechanical) Final review/revision to reply in support of summary judgment.	\$ 220.00	\$ 308.00	Thomas Kendall
5/5/2021	0.2 (Rogers Mechanical) Review filing received; update electronic docket; update calendared event.	\$ 115.00	\$ 23.00	Erik Gainer
5/5/2021	0.1 (Rogers Mechanical) Conferred with PES as to tomorrow's status conference with judge and need for oral argument.	\$ 220.00	\$ 22.00	Thomas Kendall
5/6/2021	0.2 (Rogers Mechanical) Review filings received; update electronic docket; calendar upcoming deadline.	\$ 115.00	\$ 23.00	Erik Gainer
5/6/2021	0.3 (Rogers Mechanical) Attended phone conference with Magistrate Judge.	\$ 220.00	\$ 66.00	Thomas Kendall
5/6/2021	0.4 (Rogers Mechanical) Phone call with employer's counsel re: discovery.	\$ 220.00	\$ 88.00	Thomas Kendall
5/6/2021	0.5 (Rogers Mechanical) Drafted Plaintiffs' Third Set of Requests for Production of Documents.	\$ 220.00	\$ 110.00	Thomas Kendall
5/7/2021	0.4 (Rogers Mechanical) Final revisions and service of discovery requests; email exchange with employer's counsel re: discovery and deposition.	\$ 220.00	\$ 88.00	Thomas Kendall
5/12/2021	0.5 (Rogers Mechanical) Email exchanges with employer's counsel and Union counsel re: scheduling of depositions; confer with PES on strategy for scheduling and appearance of Union representative.	\$ 220.00	\$ 110.00	Thomas Kendall
5/12/2021	0.3 (Rogers Mechanical) Phone call with Union counsel Neil Gath re: proposed deposition of Union Business Rep. Shawn Reels.	\$ 220.00	\$ 66.00	Thomas Kendall
5/13/2021	0.2 (Rogers Mechanical) Review filing received; update electronic docket; calendar upcoming deadline.	\$ 115.00	\$ 23.00	Erik Gainer
5/13/2021	0.3 (Rogers Mechanical) Attention to Court's non-document order regarding apportionment of audit fees; email to H. Compton re: same. Drafted Second Declaration of Hazel Compton.	\$ 220.00	\$ 66.00	Thomas Kendall
5/14/2021	0.1 (Rogers Mechanical) Review filing received; update electronic docket.	\$ 115.00	\$ 11.50	Erik Gainer
5/14/2021	0.7 (Rogers Mechanical) Attention to administrator's apportionment of audit cost, confer with PES.	\$ 220.00	\$ 154.00	Thomas Kendall
5/17/2021	0.6 (Rogers Mechanical) Review of Defendant's Requests for Production of Documents; begin preparing documents for response; calendar upcoming deadline; review and prepare Notice of Submission documents for filing; update ele	\$ 115.00	\$ 69.00	Erik Gainer
5/17/2021	0.5 (Rogers Mechanical) Drafted Notice of Submission of Second Declaration of Hazel Compton; initial review of Defendant's Requests for Production of Documents.	\$ 220.00	\$ 110.00	Thomas Kendall
	<u>95.5</u>			\$ 19,918.00